IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6203 OF 2004

Smt. Indrani Hemchandra Chandrachud ...Petitioner

Bank of Maharashtra,
Alibaug Branch & Anr. ...Respondents

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Mr. R.S. Apte with N. R. Bubne, counsel for Petitioner

Mr. G.S. Kulkarni with Vaibhav Bhole counsel for Respondent.

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CORAM: B. H. MARLAPALLE, J.

DATED: 3RD FEBRUARY, 2005

P.C.:-

1. Heard learned counsel for the respective parties.

2. The petitioner is aggrieved by the warrant of attachment issued by the Recovery Officer attached to the Debt Recovery Tribunal, Pune in R.P. No. 165 of 2003. There is no dispute that the said warrant can be challenged by filing an appeal U/section 30 before the D.R.T. and the order passed by the D.R.T. is subject to further appeal under Section 20 of the Recovery of Debts and Dues to Banks and Financial Institutions Act, 1993.

3. However, the petitioner is seeking a limited

relief i.e. directions to the Recovery Officer to decide her application submitted on or about 18.6.2004. The petitioner contends that she is ready and willing to purchase the flat under attachment at the maximum bid which was purportedly received at Rs.10,05,000.00/- (Rupees Ten lakhs five thousand only) on 28.11.2003. The learned counsel for the Bank states that the amount offered by the applicant is not realistic and in fact as compared to the valuers report, is very less. All these issues can be gone into by the Recovery Officer in the application which is to be decided expeditiously.

4. It is, therefore, directed that the application filed by the present petitioner on or about 18.6.2004 be decided on its own merits within a period of six weeks from today.

5. Needless to mention, no further steps to be taken by the Bank in the interim period i.e. for six weeks.

6. The petition is disposed of in terms of the above directions.